

## REMARKS

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

By the present amendment, claims 2-4, 9, 24, and 26 have been cancelled so that claims 1, 10-13, and 27 will remain pending upon entry of the present amendment.

Claims 1-4, 10-12, 26 and 27 stand rejected under 35 U.S.C. 102(e) as being anticipated by Gale. This rejection is respectfully traversed.

The Gale Patent Application Publication is cited as prior art under 35 USC 102(e), having a prior art filing date of March 11, 2002. Gale was published in the US on December 19, 2002, less than one year prior to the filing of the present Nilsen CIP application. Therefore, Gale does not constitute a statutory bar and applicants are free to swear behind the Gale publication date.

The Nilsen provisional application 60/225,246 (“the ‘246 provisional application”) was filed on August 15, 2000. The Nilsen utility application 09/927,781 (“the ‘781 application”) was filed on August 10, 2001 and claims the benefit of, and incorporates by reference the provisional application. The present Nilsen CIP application 10/728,128 was filed on December 4, 2003, and claims the benefit of, and incorporates by reference the provisional and utility applications. Therefore, claims supported by the ‘246 provisional application or the ‘781 application can remove Gale as a prior art reference since the filing date of each predates the filing date of Gale.

The rejection of claims 2-4, 9, 24, and 26 has been rendered moot in view of the cancellation of these claims. For at least the reasons noted below, remaining claims 1, 10-13, and 27 find support in the ‘246 provisional application thereby removing Gale as a prior art reference.

Support for claim 1 can be found in the ‘246 provisional application at least at page 7, lines 25-26 which describes that “the moth-eye structure 12 can include valleys 16 and peaks 18.” Page 8, lines 1-3 describes that “at least part of the surface of the moth-eye structure 12 includes a light-transmissive inhibiting surface, such as a reflective or diffuse surface 20” which as can be seen in the figures noted below is an intermittent surface covering at least a portion of the substrate and providing polarization.

Support for claim 1 is also shown in Figures 1, 3, and 4 wherein all show the moth-eye structure 12, the peaks 18, the valleys 16, and the intermittent surface covering 20, which can be reflective or diffusive.

Additional support for claim 1, can be found at least at page 15, claim 1, “A polarizer comprising at least one subwavelength optical microstructure wherein said microstructure is partially covered with a light-transmissive inhibiting surface for polarizing light,” and at page 15, claim 5, “The polarizer of Claim 1 wherein the optical microstructure includes a moth-eye structure.”

Since claim 1 is fully supported in the ‘246 provisional application which predates the Gale reference, claim 1 is allowable.

Claim 10 is supported in the ‘246 provisional application at least at page 12, lines 14-19 where “In any of the disclosed embodiments, if surface 20 is metallized or includes a conductive material, it can be used as a narrow conducting path for use in products such as liquid crystal displays. Thus, the same film 10 can be used to polarize the light and serve as a conducting path. Additionally, the channels, such as the valleys 16 of the moth-eye structures, can act as alignment grooves for the liquid crystal material, as illustrated in the embodiment of Figure 22.”

Moreover, paragraph 32 of Gale discloses a coating made of magnesium fluoride. Magnesium fluoride is not a conductive compound, and has a dielectric constant of about 5.45. One method of making magnesium fluoride conductive by incorporating an electroconductive metal compound therein can be found in U.S. Patent No. 5,085,888 at column 3, lines 38-51. Thus, the Gale reference discloses using ordinary nonconductive magnesium fluoride, which does not anticipate claim 10 which describes using a conductive coating in the valleys of the polarizing film.

Since claim 10 is fully supported in the provisional application which predates the Gale reference and additionally Gale does not disclose a conductive valley coating, claim 10 is allowable.

Claim 11 is supported in the ‘246 provisional application at least at page 2, lines 25-30 which describes figures where the peaks are metalized. Additionally, page 8, lines 9-10 describes “the peaks 18 can 10 be printed with white or aluminum non-absorbing ink.”

Figures 1, 3, 4, 5, 6, 8, 10, 11, 16-19, 22, and 24 of the ‘246 provisional application all show embodiments where the peaks on the polarizing film have a light transmissive inhibiting surface 20.

Since claim 11 is fully supported in the ‘246 provisional application which predates the Gale reference, claim 11 is allowable.

Claim 12 is supported in the '246 provisional application at least at page 9, lines 9-11 which describes "Figure 8 illustrates a transparent coating 34 formed over linear prisms 28 to protect the surface 20. Transparent coating 34 can be formed over any of the disclosed embodiments." Figure 8 is further support of "a substantially transparent coating disposed on the polarizing film."

Since claim 12 is fully supported in the '246 provisional application which predates the Gale reference, claim 12 is allowable.

Claim 13 is supported in the '246 provisional application at least at page 2, lines 25-30 which describes figures where the peaks or raised areas are metalized. Additionally, page 8, lines 9-10 describes "the peaks 18 can be printed with white or aluminum non-absorbing ink."

Figures 1, 3, 4, 5, 6, 8, 10, 11, 16-19, 22, and 24 all show embodiments where the peaks or raised areas on the polarizer film has a light transmissive inhibiting surface 20.

Since claim 13 is fully supported in the '246 provisional application which predates the Gale reference, claim 13 is allowable.

Claim 27 is supported in the '246 provisional application at least at page 9, lines 9-11 which describes "Figure 8 illustrates a transparent coating 34 formed over linear prisms 28 to protect the surface 20. Transparent coating 34 can be formed over any of the disclosed embodiments." Figure 8 is further support of "a substantially transparent coating disposed on the polarizing film."

Since claim 27 is fully supported in the '246 provisional application which predates the Gale reference, claim 27 is allowable.

For at least the reasons noted above, withdrawal of the record rejection of claims 1-4, 10-12, 26 and 27 under 35 U.S.C. 102(e) as being anticipated by Gale and allowance of claims 1, 10-13, and 27 is respectfully requested.

In view of all of the foregoing, applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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